

PERSONNEL

MERIT SYSTEM BOARD

Leaves, Hours of Work and Employee Development

4L Workweek

Adopted Amendment: N.J.A.C. 4A:6-2.2A

Proposed: October 18, 2004 at 36 N.J.R. 4569(a)

Adopted: January 12, 2005 by the Merit System Board, Rolando Torres, Jr., Acting Commissioner,
Department of Personnel.

Filed: , 2005 d. , without change.

Authority: N.J.S.A. 11A:2-6(d) and 11A:6-1; 29 U.S.C. §207(k).

Effective Date: , 2005.

Expiration Date: June 9, 2008.

Summary of Hearing Officer Recommendations and Agency Responses:

A public hearing on the proposed amendment was held on November 18, 2004 in Trenton, New Jersey. Elizabeth Rosenthal served as hearing officer. No comments were received on the proposed amendment at that time, and no recommendations were made by the hearing officer. No written comments were received. The record of the public hearing may be reviewed by contacting Henry Maurer, Director, Division of Merit System Practices and Labor Relations, Department of Personnel, P.O. Box 312, Trenton, New Jersey 08625-0312.

Federal Standards Statement

A Federal standards analysis is not necessary for the adopted amendment to N.J.A.C. 4A:6-2.2A, as it meets, but does not exceed, Federal statutory provisions at 29 U.S.C. §207(k) concerning the establishment of a 28-day work cycle. Specifically, the adopted amendment would conform the rule to the Federal statute by making the 28-day work cycle (known as the 4L workweek in merit system rules), optional for eligible job titles, but not mandatory.

Full text of the adopted amendment may be found in the New Jersey Administrative Code at N.J.A.C. 4A:6-2.2A.

4A:6-2.2A Law enforcement work schedule (4L): State service

(a) Job titles which meet all of the following criteria [shall] may be assigned an alternate work schedule consisting of a 28-day cycle, pursuant to 29 U.S.C. § 207(k):

1. Employees are uniformed or plainclothes members of a body of officers and subordinates;
2. Employees are empowered by statute or local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accident or willful injury and to prevent and detect crimes;
3. Employees have the power to arrest; and
4. Employees have participated in a special course of instruction or study (or will undergo on-the-job training) which typically includes: self defense, physical training, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics.

(b) Job titles which meet the criteria in (a) above and which are assigned such an alternate work schedule shall be designated 4L. All employees who meet the criteria are considered engaged in law enforcement activities regardless of their rank or their status as trainee, probationary or

permanent employees.

1. The tour of duty within the 28 day cycle shall total at least 160 hours. At the discretion of the appointing authority, employees who work more than 160 hours may be compensated through either a provision for flexible work patterns or a grant of comparable amounts of time off to a maximum of one hour for each hour of such additional work time.

2. Within the 28 day cycle, employees can work a maximum of 171 hours. Employees may work more than 40 hours in a week without incurring overtime, so long as they do not work more than 171 hours within the 28 day cycle. Overtime begins on the 172nd hour.

3. Except for the special eligibility requirements set forth above, overtime compensation shall be paid in the same manner as employees in 40 hour workweek titles. See N.J.A.C. 4A:3-5.5(b).